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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,847	03/30/2004	Byung-cheol Park	1572.1328	2330

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EXAMINER

GEHMAN, BRYON P

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

e.

Office Action Summary	Application No. 10/811,847	Applicant(s) PARK, BYUNG-CHEOL	
	Examiner Bryon P. Gehman	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 6 is finally rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 6, the claim has been amended to depend from claim 45 as presented, and there is no such claim. Applicant has added the numeral "5" to the dependency, but not deleted the numeral "4".

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 7-10, 13-14, 17-18 and 20 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Tinapple (3,363,749) in view of Korean 2003-0065974. Tinapple discloses a packing unit for a refrigerator comprising an upper shock absorber (28) connected to an upper part of a refrigerator such that the upper shock absorber covers an entire top surface of the refrigerator, and a lower shock absorber (44 and 46) connected to a lower part of the refrigerator such that the lower shock absorber covers an entire bottom surface of the refrigerator. Korean 2003-0065974 discloses a packing unit for a refrigerator having a detachable door handle, comprising an outer case (105)

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to protect an external appearance of a refrigerator, shock absorbers (102) disposed within the outer case and connected to the refrigerator, one of the shock absorbers having a handle accommodating part (111), externally disposed with respect to the refrigerator, to accommodate the detachable door handle detached from the refrigerator. To modify the packing unit of Tinapple employing an outer case would have been obvious in order to better protect the refrigerator. To modify the packing unit of Tinapple employing a handle accommodating part disposed in one of the shock absorbers would have been obvious in view of Korean 2003-0065974 in order to store the handle in a protected position during shipping, as disclosed by Korean 2003-0065974.

As to claims 2, 7-10, 14 and 17-18 the handle accommodating part of Korean 2003-0065974 appears to be sized to prevent protruding of the accommodated handle and forcedly fits within the handle accommodating part.

5. Claims 1-2, 7-10, 13-14, 17-18 and 20 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Korean 2003-0065974 in view of Tinapple. Korean 2003-0065974 discloses a packing unit for a refrigerator having a detachable door handle, comprising an outer case (105) to protect an external appearance of a refrigerator, shock absorbers (102) disposed within the outer case and connected to the refrigerator, one of the shock absorbers having a handle accommodating part (111) to accommodate the detachable door handle detached from the refrigerator, the handle accommodating part externally disposed with respect to the refrigerator. Tinapple

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discloses disposing shock absorbers at an upper part of a refrigerator such that the upper shock absorber covers an entire top surface of the refrigerator and at a lower part of the refrigerator such that the lower shock absorber covers an entire bottom surface of the refrigerator. To modify the packing unit of Korean 2003-0065974 employing upper and lower shock absorbers with one having a handle accommodating part disposed therein would have been obvious in view of Tinapple in order to protect the upper and lower ends, as disclosed by Tinapple and to accommodate a detached handle, as disclosed by Korean 2003-0065974.

As to claims 2, 7-10, 14 and 17-18 the handle accommodating part of Korean 2003-0065974 appears to be sized to prevent protruding of the accommodated handle and forcedly fits within the handle accommodating part.

6. Claims 3, 5 and 15 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1, 2 and 13 above, and further in view of Kim (6,274,217). Kim discloses comprising a packing unit shock absorber from expandable polystyrene material. To modify the previous structural combination employing polystyrene as the foam material would have been obvious to one of ordinary skill in the art, as polystyrene was well known as a buffer material in packing units.

7. Claims 4, 6, 11 and 16 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1, 3 and 15 above, and further in view of either one of Lancaster (6,471,067) and Brissier et al. (4,815,605). Lancaster and

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Brissier et al. each disclose a shock absorber (108; 30; respectively) provided with an air vent (36; column 3, lines 28-35). To modify the shock absorber of the previous combination employing the air vent of Lancaster would have been obvious in order to provide an increase in impact resistance by venting during impact. To modify the shock absorber of the previous combination employing the air vent of Brissier et al. would have been obvious in order to reduce compression during impact (see column 3, line 61 through column 4, line 2).

8. Claims 12 and 19 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 13 above, and further in view of Drakenfeld (343,704). Drakenfeld discloses employing an adhesive material to secure a content within a holding structure. To modify the accommodating parts of the prior art combination to include adhesive would have been obvious in view of Drakenfeld in order to better secure the content in the accommodating part.

9. Applicant's arguments filed May 16, 2006 have been fully considered but they are not persuasive. The lower shock absorber of Tinapple comprises elements 44 and 46, together, with buffering portions of the upper and lower shock absorbers provided with the handle accommodating part as disclosed by Korean 2003-0065974 disposed in a buffering material. In the combination, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in

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any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). The precise disposition and location of the handle accommodating part in the combination is not seen to distinguish any new and unexpected result over the combined prior art considered as a whole.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both teachings pertain to shipping refrigerators in a shockproof manner, and the separate teachings are considered combinable as they both pertain to shipping refrigerators in a shockproof manner.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

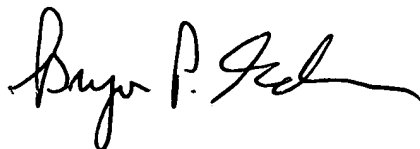
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bryon P. Gehman
Primary Examiner
Art Unit 3728

BPG